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June 15, 2018

Via FOIA Online Request Portal U.S. and Foreign Intellectual Property
Patents, Trademarks and Copyrights
Licensing and Technology Commercialization
Biotechnology and FDA Law
Computer and Internet Law
Art and Entertainment Law
Trade Secrets and Policies
Intellectual Property Litigation
Corporate and Commercial Transactions
Venture Capital and Due Diligence

National Freedom of Information Officer U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW (2822T) Washington, DC 20460 (202) 566-1667

Re: Freedom of Information Act Request

Dear Sir or Madam:

Under the Freedom of Information Act, (5 U.S.C. § 552,) I am requesting copies of any documents pertaining to funds disbursed from the EPA's settlement in the *Andarko v. Tronox* case to the Navajo Nation. As part of this settlement, the EPA obtained \$985 million from the settlement fund for cleanup of uranium mines near the Navajo Nation. The Navajo Nation directly received between \$43 million to \$45 million from the settlement (see attached press release from the Department of Justice discussing the Tronox case).

We request any documentation regarding any guidance the EPA attached to its deliverance of funds to the Navajo Nation pursuant to the settlement with Tronox, specifically:

- 1) Documentation regarding any direction, guidelines and or limitations that accompanied the \$43 million transferred to the Navajo Nation.
- 2) Documentation evidencing the location and keeper of the funds and whether the allotted funds were given directly to the Navajo Nation or do they remain in possession of the EPA/Federal government?
- 3) Documentation evidencing the status of interest accruing on the \$43 million to \$45 million obtained by the Navajo Nation and how this interest is being utilized?
- 4) Documentation evidencing the Navajo Nation's rights (if any) to the original settlement award of \$985 million beyond the original grant of \$43 million.
- Documentation evidencing whether the Navajo Nation has relinquished any rights, to the remaining \$985 million settlement award and the interest.

² Admitted New Mexico Bar

³ Admitted Colorado Bar

⁴ Admitted New York Bar

⁵ Admitted Washington D.C. Bar

⁶ Admitted Maryland, Virginia and Texas Bars

⁷ Admitted Indiana and Ohio Bars

⁸ Admitted Oklahoma Bar

⁹ Registered Agent, U.S. Patent & Trademark Office (non-attorney)

- 6) Documentation evidencing USEPA's commitment to place Navajo Nation or Navajo Nation tribally owned enterprises or Navajo Nation members participation in cleanup activity as a priority or holding higher preference in proposal evaluation criteria or included in any award fee arrangements if awardfee type contracts are utilized.
- 7) Documentation evidencing any and all contracting requirements or provisions reserved or granted to the Navajo Nation to insert its own requirements into contracts related to clean up work and what legal rights the Navajo Nation has been granted to represent itself on contract proposal review panels related to uranium mine cleanup activities.
- 8) Documentation evidencing any and all USEPA requirements to consult with Navajo Nation regarding contracting strategy, contract content, and planning for executing clean-up activities on or around Navajo Nation.

To the extent you deny all or any part of this request, please cite each specific exemption you believe justifies withholding information. If you have any questions about handling this request, you may telephone me at 505 998-6124 (office phone) or contact me via email at rwityak@peacocklaw.com.

We look forward to receiving the documents.

Sincerely,

Ryan J. Wityak
Ryan J. Wityak
Direct: 505-998-6124
rwityak@peacocklaw.com

RJW/jvd

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